

AMENDMENT AND RESPONSE**PAGE 6**

Serial No.: 10/807,653

Filing Date: 3/24/2004

Attorney Docket No. H0004910-5808

Title: ADAPTER FOR DISPENSING LIQUID INTO A CONTAINER

REMARKS

Applicant has reviewed the Office Action mailed on September 27, 2005 as well as the art cited. Claims 1-28 are pending in this application.

Rejections Under 35 U.S.C. § 112

Claims 1-28 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully traverses the rejection.

MPEP §2164.04 places a burden on the Examiner to "specifically identify *what* information is missing and *why* one skilled in the art could not supply the information without undue experimentation" in situations when doubt arises "because information is missing about one or more essential parts or relationships between parts." (Emphasis added). The Examiner states in general terms that the specification is indefinite as to structural/electrical interconnections of assembly 104 including interfaces 106 and 108. Office Action dated Sept. 27, 2005 p. 2. However, the Examiner has not specifically identified "why one of skill in the art could not supply the information without undue experimentation."

The specification of the present invention describes the necessary elements and interaction between those elements to achieve the desired results. Assembly 104 is identified as a dewar head assembly. Specification at ¶ [0017]. Further, the Applicant recognizes that dewar head assemblies are known in the art. Specification at ¶ [0003]. Applicant asserts that the specification provides sufficient details of the control interface 106 and the output interface 108 so that one of ordinary skill in the art may make and use the claimed invention without undue experimentation. As the Examiner has not identified why one of ordinary skill in the art could not supply the missing information, if any, without undue experimentation, Applicant asserts that the Examiner has failed to meet his burden under MPEP §2164.04. The rejection is, thus, improper and should be withdrawn.

AMENDMENT AND RESPONSE**PAGE 7**

Serial No.: 10/807,653

Filing Date: 3/24/2004

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Title: ADAPTER FOR DISPENSING LIQUID INTO A CONTAINER

Claim 28 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claim 28 has been amended to provide proper antecedent basis for the limitation. Claim 26 has been similarly amended.

Rejections Under 35 U.S.C. § 102

Claims 1, 5, 6, 8-12, and 18-28 were rejected under 35 USC § 102(b) as being anticipated by Fernandes et al. (U.S. Patent No. 3,687,176). Applicant respectfully traverses the rejection.

Claim 1 is directed to an adapter for dispensing liquid into a container. Claim 1 reads as follows:

1. An adaptor for dispensing a liquid into a container, the adaptor comprising:
 - a sleeve having an outer surface and an inner surface;
 - an opening passing through the outer surface and inner surface of the sleeve;
 - a pipe having a first and a second end, the first end attached to the opening;
 - a divider plate disposed in the pipe and passing between the first end and the second end of the pipe; and
 - a sealing lid removably disposed over the second end of the pipe.

Fernandes does not teach or suggest the adapter of claim 1. Specifically, Fernandes does not teach or suggest the pipe having the claimed divider plate. Therefore, claim 1 is not anticipated by Fernandes.

Claims 5, 6, and 8-10 depend directly or indirectly from claim 1. As such, claims 5, 6, and 8-10 are patentable at least for the reasons identified above with respect to claim 1.

Claim 11 is directed to

11. A system for dispensing a liquid comprising:
 - a container;
 - an adapter for dispensing liquid into the container, the adapter comprising:
 - a sleeve having an outer surface and an inner surface;

AMENDMENT AND RESPONSE**PAGE 8**

Serial No.: 10/807,653

Filing Date: 3/24/2004

Attorney Docket No. H0004910-5808

Title: ADAPTER FOR DISPENSING LIQUID INTO A CONTAINER

an opening passing through the outer surface and the inner surface of the sleeve;

a pipe having a first end and a second end, the first end attached to the opening and the second end adapted to receive liquid into the container;

a sealing lid removably disposed over the second end of the pipe; and

an assembly for dispensing liquid from the container; and

wherein the adapter is in fluid communication with the container and the assembly.

Fernandez does not teach or suggest the system of claim 11. Fernandez does not teach or suggest an adapter for dispensing liquid into a container, an assembly for dispensing liquid from the container and wherein the adapter is in fluid communication with the container and the assembly. The Examiner has not provided any indication which elements of Fernandez correspond to the adapter and which elements of Fernandez correspond to the assembly.

Applicant respectfully requests withdrawal of the rejection.

Claims 12, and 18-21 depend directly or indirectly from claim 11 and as such are also patentable at least for the reasons identified above with respect to claim 11.

Claim 22 is directed to a method for dispensing a liquid into a container. Claim 22 reads:

22. A method for dispensing a liquid into a container, the method comprising:

securing an adapter to the container, the adapter having a sleeve with an outer surface and an inner surface defining a channel and a pipe in fluid communication with the channel;

inserting a pipe of an assembly into the channel of the adapter and the container;

securing the assembly to adapter;

pouring the liquid into the container through the pipe of the adapter.

Fernandez does not teach or suggest securing an adapter to the container and securing an assembly to the adapter wherein liquid is poured into the container through the adapter.

Therefore, claim 22 is not anticipated by Fernandez. Withdrawal of the rejection is respectfully requested.

Claims 23 – 26 depend directly from claim 22 and as such are allowable at least for the reasons identified above with respect to claim 22.

AMENDMENT AND RESPONSE**PAGE 9**

Serial No.: 10/807,653

Filing Date: 3/24/2004

Attorney Docket No. H0004910-5808

Title: ADAPTER FOR DISPENSING LIQUID INTO A CONTAINER

Claim 27 is directed to a method for dispensing liquid from a container. Claim 27 reads:

27. A method for dispensing liquid from a container, the method comprising:

securing an adapter to the container, the adapter having a sleeve with an outer surface and an inner surface defining a channel and a pipe in fluid communication with the channel;

inserting a pipe of an assembly into the channel of the adapter and the container;

securing the assembly to adapter;

pouring a liquid into the container through the pipe of the adapter;

dispensing the liquid through the assembly; and

pouring additional liquid into the container through the pipe of the adapter without removing the assembly.

Fernandez does not teach or suggest "securing an adapter to the container," "securing an assembly to the adapter" and "dispensing liquid through the assembly." Therefore, claim 27 is not anticipated by Fernandez. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 7 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Fernandez et al. (U.S. Patent No. 3,687,176). Applicant respectfully traverses the rejection.

Claims 7 and 17 depend from claims 1 and 11, respectively, and are patentable at least for the reasons identified above with respect to their respective base claims. Therefore, withdrawal of the rejection of claims 7 and 17 is respectfully requested.

AMENDMENT AND RESPONSE**PAGE 10**

Serial No.: 10/807,653

Filing Date: 3/24/2004

Attorney Docket No. H0004910-5808

Title: ADAPTER FOR DISPENSING LIQUID INTO A CONTAINER

CONCLUSION

Applicant respectfully submits that claims 1-28 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1680.

Respectfully submitted,

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